

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re: Forte Mechanical, Inc.

Chapter 7
Case No.: 10-49116

Forte Mechanical, Inc.,

Adv. No.: 11-04090

Debtor.

Magney Construction, Inc.,

Plaintiff,

Forte Mechanical, Inc.

Defendant.

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U.S. BANKRUPTCY COURT
MINNEAPOLIS, MN

NOTICE OF DISMISSAL

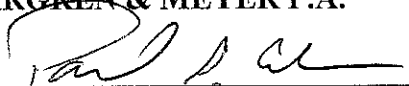
To: Debtor, Forte Mechanical, Inc., its attorney Michael J. Sheridan, Mansfield, Tanick & Cohen, P.A., U.S. Trustee, and Bankruptcy Trustee, Julia A. Christians

1. Plaintiff moves this Court for the relief requested below.
2. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Fed. R. Bankr. P. 505 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 7 case was filed on December 10, 2010. The case is now pending in this Court.
3. This motion arises under Rule 7041 of the Federal Bankruptcy Rules of Procedure and Rule 7041.1 of the Local Rules.
4. The Plaintiff requests that this Court enter an Order:
 - a. Dismissing the Complaint and the Adversary Proceeding, case number 11-04090.

WHEREFORE, Plaintiff requests that the Court enter an Order consistent with the relief being requested herein.

Dated: March 8, 2011

HAMMARGREN & MEYER P.A.

By: 

Paul T. Meyer (#177064)

Paul S. Almen (#03388844)

3500 American Blvd. W, Suite 450

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AFFIDAVIT OF PAUL S. ALMEN

To: Debtor, Forte Mechanical, Inc., its attorney Michael J. Sheridan, Mansfield, Tanick & Cohen, P.A., U.S. Trustee, and Bankruptcy Trustee, Julia A. Christians

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

I, Paul S. Almen, being duly sworn, state on oath as follows:

1. I am a licensed attorney practicing with the firm of Hammargren & Meyer, P.A., 3500 American Blvd. W., Suite 450, Bloomington, Minnesota 55431.
2. I represent Plaintiff Magney Construction, Inc. ("Magney") in the above-entitled matter, having personal knowledge of the matters set forth herein, and submit this affidavit in support of Plaintiff's Motion For Dismissal.
3. Neither Forte Mechanical nor its attorney of record was served with the Summons and Complaint. As such Forte Mechanical, Inc. has not answered the Complaint.
4. Nothing has been received by or promised to the Magney Construction, Inc. in consideration of the request for dismissal.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Paul S. Almen

Paul S. Almen

Subscribed and sworn to before me
this 8th day of March, 2011.

Debra S. Ritchie

Notary Public

